

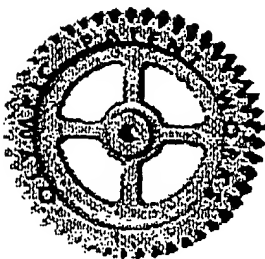
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124-03

December 10, 2002

Via Facsimile only 703.746.7238

Examiner Tonia L. Meonske
United States Patent and Trademark Office

Re: **Proposed Agenda**
Our Reference No. 10981963-1
USAN 09/430,192
Filed: October 29, 1999
Inventor(s): Michael B. Raynham et al.

Dear Examiner Meonske,

I endeavor to provide you an admittedly informal proposed agenda for a phone interview scheduled for Dec. 16, 2002 at 2:00 PM, your time, regarding Application No. 09/430,192. This Application has been finally rejected, and I generally want to try to determine whether there is a way to proceed in a positive fashion towards allowable claims, whether Applicant should embark on an appeal, or whether my opinion that there is definitely allowable subject matter in this case is unsupportable. Such questions being as complicated as they are, I would specifically like to discuss the following points:

1. In your rejection of claim 6, on page 2 of the most recent office action, you state that the reference "Page" teaches "providing a single-IC subsystem controller," adding that "the microprocessor, the dynamic RAM, static RAM, frequency synthesizer, and parallel expansion port work together to control the Xilinx 3195 Field Programmable Gate Array." Clearly, the microprocessor, the dynamic RAM, and other components that you mention are discrete components, and do not constitute an integrated circuit. Page explicitly states that the system is a "board-level system." Moreover, the Field Programmable Array is a logic device that is programmed to execute algorithmic routines. It is not controlled, in the sense that an LED is controller by a system controller, and is most certainly not controlled by the listed components. However, perhaps I am missing something here?

Examiner Tonia L. Meonske
United States Patent and Trademark Office

2. We have had an exchange of opinions on the limitations of preambles. I fail to completely understand your reasoning. Applicant has attempted to explicitly claim, in claim 1, an integrated-circuit implementation of a subsystem controller. An integrated circuit is structurally much different than a group of board-level components. According to the case law and legal principles that I have considered, claiming an integrated circuit implementation, whether or not the term "integrated circuit" occurs in the preamble or elsewhere, claims something distinct from a set of non-integrated components that might be interconnected to perform a similar function as that performed by the integrated circuit. The term "integrated circuit" does not merely recite the purpose of a process or the intended use of a structure, and the term defines exactly what is being claimed. The term exactly defines into what form the claimed elements are combined. However, rather than belaboring this point, I can attempt to put the "integrated circuit" language directly into each claim element, if you think that makes a difference, perhaps in the form "element X implemented in the logic of an integrated circuit." I would like to explore such modifications, rather than resort to legal arguments in an appeal brief.
3. It seems clear that we differ on the meaning of the phrase "subsystem controller." The phrase was explicitly defined in the application, and has a well-understood meaning in the computer-hardware arts. I would like to understand how you interpret this phrase.
4. In general, the invention that we are attempting to claim is an integrated-circuit implementation of a subsystem controller, involving an integrated circuit that features both hard-wired and programmable logic to enable it to be used for implementing a variety of different subsystem controllers. I have seen nothing similar. I would like to discuss whether this is a concept that you consider novel with respect to the cited references, and whether your rejection is based on a lack of correspondence of the claims to the inventive concept, or on a rejection of the inventive concept as being novel.

Robert W. Bergstrom
Registration No. 39,906